

in view of Black, U.S. Patent No. 4,835,621. The rejection is respectfully traversed.

First, it is respectfully noted that Chang is directed to non-analogous art. MPEP §2141.01(a), first paragraph, states, "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor, or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned."

Chang is directed to a golf practice apparatus for obtaining and storing data of a golfer's swing which can be reviewed for analysis by the golfer. The present application is directed to a compact video image recording device which is mountable to a gun and useful for recording video images before and after the firing of the gun, and thus in an entirely different art area than to that of Chang.

Chang is also directed to an entirely different problem (i.e. analyzing a golfer's swing for the purpose of improving his or her swing) as compared to the problem being solved by the present application (i.e. preserving video image data representative of a video image corresponding to an area generally surrounding the target line of a weapon), and discloses a technique for solving the problem to which it is directed which is substantially different from the invention claimed in the present application. Chang is therefore neither in the field of the present application, nor is it reasonably pertinent to the particular problem with which the present application is concerned. Consequently, Chang fails to qualify as prior art under MPEP §2141.01(a).

Even assuming that Chang qualifies as prior art (which the Applicant does not admit), the claims of the present invention are nevertheless distinguishable over Chang.

For example, the Examiner points to Chang as disclosing repeatedly storing video image data within a semiconductor memory within a video recording device as recited in independent claim 1. However, it is respectfully submitted that Chang does not teach repeatedly storing video image data within a video recording device. Instead, the storage of video image data in Chang is accomplished by a video image processing and storage system located outside of video cameras providing signals to the video image processing and storage system (Figure 1, elements 32, 24, 26, and 28, and column 3, lines 49-53).

Furthermore, the Examiner points to Black as disclosing a video recording device mounted to a weapon. While the Applicants acknowledge that Black discloses a video recording device mounted to a weapon, it is explicitly stated in Black that the video recording device is a handheld video camera, such as a model JUC GZ-SSU marketed by JVC (column 4, lines 10-15), which uses video cassette tape to record video images and does not use semiconductor memory to store video image data (column 7, lines 28-31). Therefore, Black does not teach or suggest repeatedly storing video image data within a semiconductor memory, as recited in independent claim 1.

Assuming, arguendo, that one skilled in the art attempted to combine Chang and Black in the manner suggested by the Examiner, the resulting combination would be inoperative. This is due to size of the video processing and storage unit of Chang, which is essentially the size of a large desktop computer (Figure 1, element 32, and Figure 2, column 4, lines 18-21). If the cameras and the video processing and storage unit of Chang

were somehow mounted on the gun of Black, the recited elements of Chang would weigh down the gun disclosed in Black such that the gun could not be fired properly.

The Examiner further points to column 6, lines 3-12 and column 7, lines 15-26 of Chang as disclosing sensing at least one discharge of a weapon with a weapon discharge sensor and in response to each respective discharge of the weapon, generating a weapon discharge sensor output signal, as recited in independent claim 1. For clarification purposes, the Examiner states:

"..the event at which the golf ball is struck and sensed by optical and infrared (IR) sensors is analogous to the event of the firing of the weapon and detecting the discharge with sensors."

However, in Chang the golf ball is the target. A golf club would, if anything, constitute a weapon. Hence, the event at which the golf club strikes the ball would suggest sensing a bullet hitting the target. Therefore, it is respectfully submitted that Chang's IR sensors do not suggest the weapon discharge sensor and the weapon discharge sensor output signal of recited claim 1.

Furthermore, Black does not cure the defects of Chang, as Black fails to teach or suggest either a weapon discharge sensor or a weapon discharge output signal. Instead, Black has no need for a weapon discharge sensor or a weapon discharge sensor output signal as the user is required to turn on the camera manually when it is desired for the user to record information (Column 7, lines 28-31).

Furthermore, independent claim 16, which recites a weapon discharge sensor operative to generate a weapon discharge sensor output signal, and at least one semiconductor memory is

distinguished from the combination of Chang and Black for reasons which should be clear from the discussion above.

Claims 3-5, 19-22, and 24-30 stand rejected under 35 USC § 103(a) as being unpatentable over Chang in view of Black, and in further view of McMahan, U.S. Patent No. 5,845,165. The rejection is respectfully traversed.

The Examiner takes Official Notice that accelerometers and microphones are well known and used in the art. However, the applied references do not teach or suggest sensing the discharge of a weapon with an accelerometer, as recited in claims 3 and 19, or sensing the discharge of a weapon with a microphone, as recited in claims 4 and 20. If accelerometers and microphones are well known in the art for sensing the discharge of a weapon, as suggested by the Examiner, it is requested that applicable prior art be applied and provided to the Applicant. If no such prior art can be found, it is respectfully requested that the rejection to dependent claims 3-4 and 19-20 be withdrawn.

Regarding claims 5 and 21, the Examiner points to McMahan (Figure 1, element 14, and column 4, lines 28-33) as teaching the use of a trigger switch to activate a video recording device. However, it is respectfully submitted that McMahan teaches the use of a switch to activate a camera, not a video recording device as suggested by the Examiner (Figure 1, element 14, and column 4, lines 28-33), and as recited in parent claims 1 and 16 of dependent claims 5 and 21, respectively. Therefore, if McMahan were combined with Chang and Black as suggested by the Examiner, the resulting combination would be inoperative, as the switch designed for the camera of McMahan would be incompatible with the video camera of Black. Furthermore, as discussed above, the combination of Chang and Black results in an inoperative combination, and the addition of the switch in

McMahan fails to cure the defects of the Chang/Black combination.

Regarding claims 24 and 25, the Examiner points to Chang, column 4, lines 24-28, as showing a system where at least one semiconductor memory comprises at least one dynamic random access memory, as recited in claims 24 and 25. However, it is respectfully submitted that Chang does not teach or suggest dynamic random access memory at all. Instead, Chang only teaches random access memory (column 4, lines 24-28). As it is well known in the art that there are many different types of random access memory, it is respectfully submitted that the invention of claims 24 and 25, which is limited to dynamic random access memory, is therefore distinguishable over Chang.

Claims 8-11 and 13 stand rejected under 35 USC § 103(a) as being unpatentable over Chang in view of Black, and in further view of Fielder, U.S. Patent No. 5,845,240. The rejection is respectfully traversed.

Regarding claim 8, the Examiner points to column 4, lines 21-49 of Fielder as showing a method for storing video image data associated with each discharge of the weapon in a portion of the semiconductor memory assigned for the respective discharge, as recited in claim 8. However, it is respectfully submitted that instead of storing video data as suggested by the Examiner, Fielder stores audio data (column 4, lines 8-67, audio data is specifically referenced in column 4, lines 9, 19-20, 27, 33, 36, 53, 63 and 67). For at least this reason, the invention of claim 8 is distinguishable over the referenced texts.

It is further respectfully submitted that dependent claims 2, 5-7, 10-11, 13-14, 17-18, 21-23, and 26-30, each depending either directly or indirectly from one of independent claims 1 and 16, define over the referenced patents for the reasons set

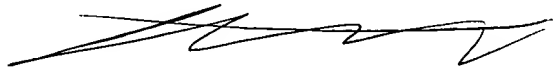
forth above regarding their respective base claims, as well as on other independent grounds.

New claims 36-40 are added to recite features disclosed in the specification (See, for example, page 6, line 28 through page 7, line 12) but not previously recited in the claims. Each of new claims 36-40 is believed to recite features that independently distinguish over the applied art whether taken individually or in combination.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0429 and please credit any excess fees to such deposit account.

Respectfully submitted,
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